

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PIETRO BARBIERI, ET AL.

v.

WELLS FARGO & CO, ET AL.

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CIVIL ACTION

NO. 09-3196

**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of December, 2014, upon consideration of the Motion of Defendants Federal National Mortgage Association and Wells Fargo Bank, N.A. to Dismiss Plaintiffs' Amended Complaint (ECF No. 34), and Motion of Defendants Mortgage IT, Inc. and Deutsche Bank, AG to Dismiss Plaintiffs' Amended Complaint (ECF No. 35), and all papers submitted in support thereof, and in opposition thereto, it is **ORDERED** as follows:

1. The Motion of Defendants Mortgage IT, Inc. and Deutsche Bank, AG to Dismiss Plaintiffs' Amended Complaint (ECF No. 35) is **GRANTED**. The Amended Complaint is dismissed against Defendants MortgageIT and Deutsche Bank in its entirety.
2. The Motion of Defendants Federal National Mortgage Association and Wells Fargo Bank, N.A. to Dismiss Plaintiffs' Amended Complaint (ECF No. 34), is **GRANTED** with respect to Counts I and III through VIII. The Motion is **DENIED** with respect to Count II (fraud and misrepresentation).

**IT IS SO ORDERED.**

**BY THE COURT:**



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**R. BARCLAY SURRICK, J.**